

Tennessee Department of Environment and Conservation

General Permit for Sediment Removal and Stream Remediation



Effective Date: July 1, 2010
Expiration Date: June 30, 2015

Activities Covered by this Permit:

This general permit authorizes certain stream remediation activities that serve the purpose of removing recently deposited sediment from stream beds, stream banks and riparian lands that result from releases from construction sites. These deposits shall be confined within areas that can be readily accessed and removed without additional harm to the shape and stability of the stream channel.

Limitations of this Permit:

Certain activities due to size, location or potential water quality impacts are not covered under this general permit. Those activities are described in this section. Activities not qualifying for authorization under this general permit may be authorized by an individual permit, provided that all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

- 1) Activities that may adversely affect wetlands are not covered.
- 2) Activities where the removal of sediment is for the purpose of flood control or channelization are not covered.
- 3) Activities located in any waterway which is identified by the department as having contaminated sediments, and the activity will likely mobilize the contaminated sediments are not covered.
- 4) Activities that may result in an adverse effect to a threatened or endangered species, or to designated critical habitat; or is likely to jeopardize the continued existence of a species proposed for listing as endangered or threatened without prior authorization from the U.S. Fish and Wildlife Service as required by section 7 or section 10 of the Endangered Species Act where applicable are not covered. Adverse effects comprise, but are not necessarily limited to, the following: (a) death or injury to one or more individuals that results from activities associated with an action, (b) a change in habitat quantity or quality that results from activities associated with an action that renders the habitat unsuitable for the species, or (c) activities associated with an action that disrupts normal behavior or functions of individuals.
- 5) Activities that may result in the take, harassment, or destruction of plant or wildlife listed as threatened or endangered or a species deemed to be in need of management, as defined and identified under Tennessee Code Annotated (TCA) 70-08-103, Tennessee Wildlife Resources Agency (TWRA) Proclamations 00-14 and 00-15, and Division of Natural Heritage (DNH) Rule 0400-6-2 or which will destroy the habitat of such species without prior authorization from TWRA and/or DNH where applicable are not covered.
- 6) Activities, either individually or cumulatively, that may result in degradation to waters of the state are not covered.
- 7) Activities that otherwise require an individual permit are not covered.

Obtaining Permit Coverage:

Applicants proposing to perform sediment removal and stream remediation activities in waters of the state shall notify the division in a two step process involving the sediment removal and the subsequent restoration of the stream. Work shall not commence until the applicant has been notified by the division that the proposed activities may proceed under this general permit or that an individual permit is required.

Step #1: Upon detection of a sediment release, the applicant shall notify the division by telephone, as soon as practicable, that a situation has occurred requiring immediate removal of sedimentation from the stream, and detail the steps to be taken.

Step #2: Immediately following the sediment release and removal the applicant shall submit the following:

- 1) a signed application (form CN-1091);
- 2) a cover letter explaining the basic nature and scope of the project;
- 3) a USGS topographical map showing the exact location of the proposed project; and
- 4) a single copy of construction plans and drawings which shall include:
 - a. TDEC / WPC permit numbers;
 - b. EPSC methods to be employed during sediment removal activities;
 - c. name of receiving stream(s);
 - d. list of known threatened or endangered species;
 - e. photographs of stream prior to discharge (recommended);
 - f. narrative of events that lead to the discharge;
 - g. characteristics of discharge;
 - h. dimensions of deposit(s);

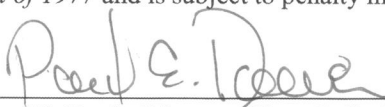
- i. proposed method of sediment removal; and
- j. detailed plans for the proposed method of stream restoration.

Terms and Conditions of this Permit:

All activities covered under this general permit shall comply with all terms and conditions contained hereinafter.

- 1) All work shall be accomplished in conformance with the accepted plans, specifications, data and other information submitted in support of the above mentioned application and the limitations, requirements, and conditions set forth herein.
- 2) Applicant is responsible for obtaining the necessary authorization pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*; §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*, as well as any other federal, state or local laws.
- 3) Equipment that will cause the least amount of damage to the environment shall be selected for performing stream remediation. Hand tools and equipment such as buckets and shovels shall be used when practicable.
- 4) The remediation work shall be done in the dry to the maximum extent practicable.
- 5) Stream beds shall not be used as transportation routes for construction equipment. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream banks are disturbed. The crossing shall be constructed so that stream flow is not obstructed. Following construction, all materials used for the temporary crossing shall be removed and disturbed stream banks shall be restored and stabilized if needed.
- 6) Materials used in sediment removal and stream remediation work shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris and other wastes as defined by T.C.A. 69-3-103(18).
- 7) Excavated materials, removed vegetation, construction debris, and other wastes shall be removed to an upland location and properly stabilized or disposed of in such a manner as to prevent reentry into the waterway.
- 8) Material may not be placed in a location or manner so as to impair surface water flow into or out of any wetland area.
- 9) Sediment shall be prevented from entering waters of the state. Erosion and sediment control measures shall be designed according to the size and slope of disturbed or drainage areas to detain runoff and trap sediment, and shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. Information on erosion and sediment control measures can be found in the department's Erosion and Sediment Control Handbook (www.tn.gov/environment/wpc/sed_ero_controlhandbook/).
- 10) Erosion and sediment control measures shall be in place and functional before earth moving operations begin, and shall be constructed and maintained throughout the project.
- 11) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events (e.g. forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, silt fences should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- 12) Clearing, grubbing and other disturbance to the riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including trees, is prohibited.
- 13) Soil stabilization shall be accomplished within 7 days after final work. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable.
- 14) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the State. All spills shall be reported to the appropriate emergency management agency and to the Division. In the event of a spill, measures shall be taken immediately to prevent pollution of waters of the State, including groundwater.
- 15) The activity shall be conducted in a manner that is not harmful or injurious to fish and aquatic life or that otherwise impairs the usefulness of waters of the state for any of the uses designated by Rule 1200-4-4. These uses include fish and aquatic life, livestock watering and wildlife, recreation, irrigation, industrial water supply, domestic water supply, and navigation.
- 16) This general permit does not authorize impacts to cultural, historical or archaeological features or sites.
- 17) Failure to comply with the terms and conditions of this permit is a violation of the *Tennessee Water Quality Control Act of 1977* and is subject to penalty in accordance with T.C.A. §69-3-115.

APPROVED: _____


Paul E. Davis, Director, Water Pollution Control

DATE: 6/28/10